

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES,)	CR. No. 05-00121 DAE-RJJ
)	
Plaintiff,)	
)	
vs.)	
)	
ROBERT D. KAHRE, et al.,)	
)	
Defendants.)	
_____)	

ORDER DENYING WITHOUT PREJUDICE DEFENDANT DANILLE
CLINE'S MOTION IN LIMINE RE CONSPIRACY EVIDENCE

On April 13 through 15, 2009, the Court conducted hearings in the instant case. J. Gregory Damm, Assistant U.S. Attorney, and Christopher J. Maietta, Trial Attorney, U.S. Department of Justice, appeared at the hearings on behalf of the Government; Lynn Panagakos, Esq., appeared at the hearings on behalf of Defendant Cline; William A. Cohan, Esq., appeared at the hearings on behalf of Defendant Robert Kahre; Lisa A. Rasmussen, Esq., appeared at the hearings on behalf of Defendant Robert Kahre; Joel F. Hansen, Esq., appeared at various times at the hearings on behalf of Defendant Alexander Loglia; and Michael J. Kennedy, Assistant Federal Public Defender, appeared at the hearings on behalf of Defendant Lori Kahre. During these hearings, the Court announced

that it intended to take several of the pending motions under advisement and would not hear oral argument thereon. One of these motions was Defendant Danille Cline's Motion in Limine Re Conspiracy Evidence. (Doc. # 2064.) After reviewing the motion, and the supporting and opposing memoranda, the Court DENIES Defendant Cline's motion WITHOUT PREJUDICE.

On November 11, 2008, Defendant Cline filed the instant motion, seeking to exclude any evidence the Government intends to use against her with respect to the conspiracy count, for which she is the only Defendant not charged. (Doc. # 2064.) Defendant Cline also filed a motion, referred to the magistrate judge, which sought an order requiring the Government to produce what exhibits it plans on using against Defendant Cline with respect to the conspiracy charge. (Doc. # 2062.) On April 14, 2009, Magistrate Judge Robert J. Johnston issued an order granting Defendant Cline's motion to compel and ordered the Government to identify, with particularity, the exhibits it intends to use against her at trial on or before April 20, 2009. (Doc. # 2285.)

Upon review of Defendant Cline's motion in limine and in light of the magistrate's order, this Court finds her motion in limine premature. Because the Government has yet to fulfill its obligations and Defendant Cline has yet to review the specific exhibits, Defendant Cline cannot point this Court to any particular

evidence she believes should be excluded against her. Accordingly, the Court DENIES WITHOUT PREJUDICE Defendant Cline's motion. Should Defendant Cline, after review of the Government's production, present the Court with specific evidence that she wishes to exclude against her, the Court will consider a new motion. The motions in limine deadline is not until April 27, 2009. Defendant Cline, therefore, has sufficient time to re-file her motion based upon the Government's production of evidence.

The Court cautions Defendant Cline, however, that the more appropriate forum for assuring evidence used to prove the conspiracy allegations against the other defendants is not used against her may be found in a limiting instruction and/or a specific jury instruction.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, April 20, 2009.



DAVID ALAN EZRA
UNITED STATES DISTRICT JUDGE

United States v. Kahre, et al., CR. No. 05-00121 DAE-RJJ; ORDER DENYING WITHOUT PREJUDICE DEFENDANT DANILLE CLINE'S MOTION IN LIMINE RE CONSPIRACY EVIDENCE